

Amendments to the Drawings:

Please replace Figure 2 with the following Replacement Sheet attached hereto.
No new matter is believed entered.

Attachment: Replacement Sheet for Figure 2

REMARKS

Reconsideration of the above-identified application in view of the present amendment is respectfully requested. By the present amendment, claims 1, 3-7, and 9 are amended, claims 13-19 are newly added, claim 2 is cancelled, the specification is amended, and Figure 2 is amended.

Regarding the amendments to the specification, the paragraph beginning on page 6, line 7 is amended to make it consistent with the other parts of the specification and with amended Figure 2. Specifically, in point 4 of the Office action, the Examiner stated that the drawings did not show a connection between the wheel (30) and the lever (12) for transforming the movement of the lever (12) to the throttle. It is respectfully submitted that a person of ordinary skill in the art of engine-powered handheld tool design would understand, from the description of provided in the specification from the paragraph beginning on page 6, line 7, that throttle levers are often connected to engine throttles by way of cables or lines. Even so, Figure 2 has been amended to schematically show a "gas wire or line 50" connecting the wheel (30) to the lever (12) for controlling the throttle. By the present amendment, it is now stated in the specification that "The line wheel 30 transforms the movement in the lever 12 for controlling the throttle to an axial movement in the gas wire or line 50 (see FIG. 2) connected to the throttle." Thus, when the throttle lever (12) is rotated and acts on the "gas wire or line 50," the line wheel (30) can thereby transform the rotational movement of the throttle lever (12) into an axial movement of the "gas wire or line 50." It is appreciated that no new matter has been added. Accordingly, it is respectfully submitted that the specification and drawings are now in condition for allowance, and it is requested that the objections be withdrawn.

Additionally, regarding the amendments to the drawings (items 4-6 of the Office action), Figure 2 has been amended to address the Examiner's concerns regarding items (12), (22), and (40). These concerns had already been addressed in the amended FIG. 2 provided in Amendment "C" filed August 21, 2006. However, a subsequent drawing amendment of January 8, 2007 inadvertently submitted a previous

version of FIG. 2 that lacked the changes made in Amendment "C". Thus, the version of FIG. 2 originally provided in Amendment "C" is submitted with no changes, except for the aforementioned addition of "gas wire or line 50". Accordingly, it is respectfully submitted that the drawings are now in condition for allowance, and it is requested that the objections be withdrawn.

Regarding items 3 and 7 of the Office action, the Examiner objects to the drawings and states that the drawings do not show every feature of the invention specified in the claims, and that FIG. 2 improperly shows multiple species in a single feature. Respectfully, this objection is traversed. It is believed that the drawings (e.g., FIG. 2) sufficiently show every feature of the invention specified in the claims in accordance with 37 CFR 1.84. That is, a person of ordinary skill in the art reading the specification would be able to understand that the various levers, buttons and/or components can be connected to the handle in any of the various described embodiments. For example, the specification states "There are three different general solutions for securing the levers and buttons in the handle section." The specification then briefly describes each of the three embodiments, and finally states that "These three different alternatives could exist in different embodiments and be combined depending on what and where the component is secured in the handle section." See page 3, lines 8-23.

Further, FIG. 2 clearly illustrates one example of each of the three connection embodiments (e.g., the lever (12) illustrates an example of the first embodiment, the button (13) illustrates an example of the second embodiment, and the line wheel (30) illustrates an example of the third embodiment). Moreover, a requirement that every conceivable combination / permutation of the various components and connection options be illustrated in a multiplicity of drawings creates an unreasonable burden on the applicant, and would serve no useful purpose. Thus, given the detailed description of the specification and the drawings, it is respectfully submitted that a person of ordinary skill in the art would clearly understand what the applicant claims as the invention. Accordingly, it is respectfully submitted that the specification and drawings are now in condition for allowance, and it is requested that the objections be withdrawn.

Regarding item 8, it is appreciated that the specification teaches multiple components, such as a lever and a button. The specification explicitly states that control levers or buttons are placed and that the "handle may also comprise more levers or buttons for controlling and steering other functions on the tool. The numbers of levers or buttons on the handle do however not affect the principle for this invention." Page 1, lines 30-31, Page 2, lines 1-2. Thus, it is respectfully submitted that the specification clearly discloses multiple buttons or lever, including but not limited to two buttons and/or two levers, or even more. Further, the operation of the lever (12) and line wheel (30) has been discussed above.

Regarding the Examiner's assessment that the invention contains multiple species, it is to be appreciated that the different alternatives for connecting a button or a lever are not "independent and distinct" inventions requiring the election of only one means of connecting. The three different types of connections may be combined in any one embodiment. As stated in MPEP 806.05(j), "inventions are distinct if (A) the inventions as claimed do not overlap in scope, i.e., are mutually exclusive; (B) the inventions as claimed are not obvious variants; and (C) the inventions as claimed are either not capable of use together or can have a materially different design, mode of operation, function, or effect." The different alternatives for connecting in the present invention are not mutually exclusive as multiple attachment means may be used because of the plurality of buttons or levers that are present. In addition, the alternatives certainly can be used together, as the claims are not directed to solely attaching the buttons or levers.

For example, the specification states "These three different alternatives could exist in different embodiments and be combined depending on what and where the component is secured in the handle section." See page 3, lines 8-23. Given the standards for determining whether a restriction is needed, Figure 2 still provides an example embodiment, as it shows button 13 connected using the key-hole alternative, and the lever 12 can be connected by either of the alternatives of a locking pin 23 in a supporting section 20 or by connection by use of a plastic pin 31 with an extended portion 40. Each of the alternative connections are still part of a single embodiment of generic claim 1. Even so, new independent claims 13 and 14 have been added to more

particularly describe and claim the subject matter that the applicant regards as the invention. No new matter is believed entered. Moreover, as previously stated herein, a requirement that every conceivable combination / permutation of the various components and connection options be illustrated in a multiplicity of drawings creates an unreasonable burden on the applicant, and would serve no useful purpose because a person of ordinary skill in the art would clearly understand what the applicant claims as the invention. Accordingly, it is respectfully submitted that the specification and drawings are now in condition for allowance, and it is requested that the objections be withdrawn.

Regarding item 9, claim 2 has been cancelled, and the objection is now moot.

Regarding items 10-11 involving the rejection of claims 1-10 as being indefinite, claim 1 has been amended to more distinctly claim the subject matter. Claim 1 now recites "the handle (11) is made of at least two handle sections (15, 16), the lever (12) and the button (13) are each pivotally secured in only one of the handle sections (16) so that the functions of the lever (12) and the button (13) are each separate from the alignment of the other handle section (15) relative to the one handle section (16)." The handle (11) is formed of two handle sections (15, 16). The lever (12) and button (13) are each secured to the one handle section (16), and are not secured to the other handle section (15). Thus, when the handle sections (15, 16) are eventually joined together, the alignment of the handle sections (15, 16) relative to each other does not have to be precise, as the operations of the lever (12) and/or button (13) are separate from the actual alignment of the handle sections (15, 16).

Claim 1 also now states "characterized in that the handle sections (15, 16) are permanently joined together so as to form a leak-inhibiting joint therebetween such that a portion of the handle forms a fuel tank (14)." As can be appreciated, the handle sections (15, 16) must be joined together in a manner that inhibits or stops leaking of fuel from the fuel tank (14). Thus, in the prior art, a great deal of precision was required to (A) accurately attach the levers and buttons to both handle halves (15, 16); and (B) adequately seal the connection between the two handle halves (15, 16). However, according to the present invention, manufacturing of the handle (11) is easier because less precision than was needed in the prior art to join together two handle sections. In

another example, the claimed handle arrangement can even make it possible to mount the levers or button to the handle (11) after the handle sections (15, 16) have been permanently joined. For example, the various pins (23, 25, 31) can be installed through enlarged holes provided on the other handle half (15) due to the lessened requirement for precision alignment between the two handle halves (15, 16).

Regarding claim 9, it has been amended to state, in pertinent part, "characterized in that one of the lever (12) and the button (13) is secured in the handle section (16)" to make it more clear that the claim refers to the lever or button of claim 1. Moreover, as stated previously herein, it is believed that FIG. 2 adequately illustrates an example of each connection embodiment per 37 CFR 1.84, and that a person of ordinary skill in the art would clearly understand what the applicant regards as the invention without a multiplicity of drawings illustrating every conceivable permutation / combination. Accordingly, it is respectfully submitted that claims 1-12 are now in condition for allowance, and that the rejections be withdrawn.

Turning to the rejection of claims as being obvious in view of the patent to Zerrer (U.S. Patent No. 4,761,939) in view of Lowe (5,738,064), the rejection is now moot in view of the amendments to claim 1. Amended claim 1 now states, in pertinent part, "comprising a lever (12) and a button (13) for controlling the power of the tool, the lever (12) controlling the throttle of the engine and the button (13) being a safety button (13) provided with an arm (17) that is moveable when the button (13) is pressed, the arm (17) inhibiting movement of the lever (12) when the button (13) is not pressed." Amended claim 1 further states, "the functions of the lever (12) and the button (13) are each separate from the alignment of the other handle section (15) relative to the one handle section (16)." Additionally, amended claim 1 also states "characterized in that the handle sections (15, 16) are permanently joined together so as to form a leak-inhibiting joint therebetween such that a portion of the handle forms a fuel tank (14)." Neither Zerrer nor Lower teach or suggest such structure.

Zerrer discloses a handle (10) for a brushcutter (1) that includes a gas lever (11) and an electrical switch (12), and the handle is comprised of two clamshells (16, 17) attached together by the use of screws (56, 57, and 58) and pass-through bores (59, 60, and 61). With switch (12), a motor winding can be short circuited so that the drive of the

work tool can be brought to an immediate stop in dangerous situations. Thus, the electrical switch (12) acts as a “kill” switch to stop operation of the tool. Further still, Zerrer does not teach or suggest that the functions of the lever (11) or switch (12) are separate from the alignment of the two clamshells (16, 17). Even further still, Zerrer does not teach or suggest that the handle (10) forms any portion of a leak-inhibiting fuel tank. Indeed, Zerrer does not disclose any structure related to a fuel tank.

In the Lowe device, a portable power tool (10) is disclosed that includes a throttle trigger (38), a lock-out switch (40), and a kill switch (42). The Lowe device provides a first chassis section (48) and a second chassis section (50) which can be vibrationally welded together. However, in Column 3, lines 24-32, Lowe states that the dividing surface between the two chassis sections (48, 50) is substantially vertical but does not form a plane, teaching that a great deal of precision is needed and an exact orientation is required when attaching the chassis sections together. Furthermore, the mounting location for the throttle trigger and switches (38, 40, 42) includes fastener receiving openings (108) in the left chassis section (50) that cooperate with the fastener receiving openings (98) in the right chassis section (48). Thus, the Lowe invention teaches permanently attaching two handle sections and requiring exact precision. Further, Lowe does not teach any structure corresponding to a safety button that is provided with an arm for inhibiting movement of the lever when the button is not pressed. Further still, Lowe does not teach or suggest that the functions of the trigger (38), lock-out switch (40), and kill switch (42) are separate from the alignment of the two chassis sections (48, 50).

In distinction, the subject invention teaches that the handle (11) includes a lever (12) and a button (13) for controlling the power of the tool, each of the lever (12) and button (13) being attached to only one handle section (16). When the handle sections (15, 16) are permanently joined together to form the fuel tank, a sufficiently leak-inhibiting or even leak-proof seal must be achieved to avoid fuel leakage. However, because the lever (12) and button (13) are attached to only one handle section (16), and their operation is separate from the other handle section (15), the relative alignment between the two handle sections (15, 16) does not have to be exact. Thus, the

permanent connection between the two handle sections (15, 16) is considerably easier to obtain.

Further, the subject invention teaches that the safety button (13) includes an arm (17) for inhibiting movement of the throttle lever (12) unless the safety button (13) is pressed. Thus, the safety button (13) does not act as a “kill” switch to stop operation of the engine. Instead, the safety button (13) does not permit engine operation (e.g., varied throttle via movement of the throttle lever (12)) unless the safety button (13) is also pressed. Thus, the safety button (13) is an “enablement” button, and not a “kill” button, and therefore operates in an opposite fashion to that of Zerrer.

Therefore, neither the Zerrer device nor the Lowe device teach solutions for making it easier to assemble two handle sections, allowing for some displacement of a second handle section, or requiring less precision when assembling two handle sections. Both the Zerrer device and the Lowe disclose joining two handle sections, but with structure requiring precise position relative to each other for the control levers or buttons to work perfectly. As a result, combination of the Zerrer device with the Lowe device would not provide the present invention, where “the functions of the lever and the button are each separate from the alignment of the other handle section relative to the one handle section,” especially in light of the requirement that “the handle sections are permanently joined together so as to form a leak-inhibiting joint therebetween such that a portion of the handle forms a fuel tank.”

As a result, even if the teachings from the Lowe patent are use to modify the Zerrer device, each and every element of the present invention is not present. Accordingly, it is respectfully submitted that claim 1 is now in condition for allowance, and it is respectfully requested that the rejection be withdrawn. Similarly, because claims 3-12 depend either directly or indirectly from claim 1, it is respectfully submitted that claims 3-12 are also now in condition for allowance.

Regarding new independent claims 13 and 14, it is respectfully submitted that the claims are fully supported in the specification as filed, and that no new matter is entered. Specifically, independent claims 13 and 14 are supported at least on page 3, lines 8-28 of the specification, and are further supported by the more detailed descriptions of the various embodiments on pages 4-6. Further still, as claim 14 is a *Markush*-style claim,

the aforementioned sections of the specification provide sufficient support for each member of the *Markush* group, as required by MPEP 608.01(p).

Further, neither Zerrer nor Lowe, alone or in combination, teach or suggest all of the claimed limitations of either independent claim 13 or 14. Accordingly, it is respectfully submitted that independent claims 13 and 14 are in condition for allowance. Further, because claims 15-19 depend directly or indirectly from independent claim 14, it is respectfully submitted that claims 15-19 are also in condition for allowance. Notice to this effect is respectfully requested.

If there are any additional fees resulting from this communication, or if no check is enclosed, please charge same to our Deposit Account No. 16-0820, our Order No. 38148.

Respectfully submitted,
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Date: July 10, 2007